

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

RETRACTABLE
TECHNOLOGIES, INC., et al.,

Plaintiffs,

v.

BECTON, DICKINSON AND CO.,

Defendant.

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Case No. 2:08-CV-16-LED-RSP

ORDER ENFORCING RULES REGARDING EXHIBITS

The Court issues this order sua sponte. Having heard the parties' initial arguments regarding exhibits on August 15, 2013, the Court observes that the parties have not complied with Chief Judge Davis' Standing Order Regarding Letter Briefs, Motions in Limine, Exhibits, Deposition Designations, and Witness Lists (available at http://www.txed.uscourts.gov/cgi-bin/view_document.cgi?document=20785), which provides the following limitation:

Each side is limited to designating 250 exhibits for trial absent a showing of good cause. Parties now commonly designate thousands of exhibits for trial—causing both sides to go through the expense of reviewing and objecting to those exhibits—but typically only use a handful of exhibits in front of the jury. Therefore, the Court limits the parties to designating 250 exhibits for use at trial.

(Standing Order at 3.)

At the Hearing, the parties presented well over a thousand exhibits to the Court. The parties have not demonstrated good cause to exceed the requirement set forth in the Standing Order, and have either been unwilling or unable to find significant middle ground regarding the large number of objections. Thus, the Court hereby **ORDERS** each party to comply with the 250-exhibit limitation. The Court notes that per usual District policy, the list of exhibits “shall also include exhibits to be used solely for impeachment,” and thus the 250 exhibit limitation set

forth by the Standing Order in this case is inclusive of impeachment-only exhibits. (*See* Local Rules at Appendix D, page 2, paragraph H.)

The Court further **ORDERS** the parties to prepare exhibit lists in the format provided for by the sample form for Chief Judge Davis' chambers (available at http://www.txed.uscourts.gov/cgi-bin/view_document.cgi?document=2183). The parties are **ORDERED** to exchange the lists by no later than Saturday, August 17, 2013 at 1:00 p.m. The parties are further **ORDERED** to meet and confer regarding the exchanged lists on Sunday, August 18, 2013 at 1:00 p.m. During the meet and confer, the parties are **ORDERED** to discuss each objection in an attempt to resolve that objection, and to determine an effective grouping for the remaining objected-to exhibits so as to facilitate Court review of those exhibits. The parties are further **ORDERED** to submit the agreed grouping to the Court in a joint notice no later than Monday, August 19, 2013 at 9:00 a.m. in advance of the Court's Interim Pretrial Conference on Monday, August 19, 2013 at 1:30 p.m.

SIGNED this 15th day of August, 2013.


ROY S. PAYNE
UNITED STATES MAGISTRATE JUDGE